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TAGS: PGOV PREL I2
SUBJECT: IRAQ 201: THE COUNCIL OF REPRESENTATIVES

REF: BAGHDAD 585

(U) This is one in a series of messages intended to provide background for policy-makers on Iraq.

¶1. (SBU) Summary: The three-year old, 275 member Council of Representatives (CoR) is suffering from growing pains, but has recently demonstrated potential to act as a more effective institution that can challenge executive power. Among its shortcomings, the CoR's credibility as a representative institution has been weakened by the closed list system under which its current members were elected, a fact that has undermined the Iraqi public's confidence in parliament. Real power is in the hands of party bloc leaders; and it lacks the expertise or resources to effectively legislate. As a result, most laws are written by the Executive or require substantial revision by the Executive during the legislative process. But with the gradual maturation in Iraqi politics the CoR is seeing an increase in issue-based cross-sectarian alliances, such as the recent alliance on the budget aimed at limiting PM Maliki's centralizing policies (reftel). The CoR's 2009 election-year agenda will likely include a National Elections Law, but at this stage it appears unlikely that there will be a consensus on anything else. End Summary.

Structure and Functions of the CoR

¶2. (U) The Council of Representatives, Iraq's Parliament, consists of 275 members, about one per 100,000 Iraqi persons, elected for four-year terms. Annual legislative terms are composed of two four-month sessions (Mar-Jun & Sep-Dec). The first CoR was elected December 15, 2005, first met on March 16, 2006 and will complete its work at the conclusion of the 2009 legislative term. Elections for the 2010-2013 electoral term should be held by January 30, 2010 so that a new CoR is able to convene March 16, 2010.

¶3. (U) Key requirements for the CoR stipulated by the 2005 Iraqi Constitution are: "that the representation of all components of the people shall be upheld in it" and that an elections law should aim for female representation of at least one-quarter of the members of the CoR.

¶4. (U) The Speaker of the CoR (a currently vacant position which traditionally is filled by a Sunni), the First Deputy Speaker Khalid Al-Attiya (United Iraqi Alliance) UIA) and the Second Deputy Speaker Arif Tayfur (Kurdish Democratic Party - KDP) hold their positions by virtue of an unwritten power-sharing agreement between the Sunni, Shi'a and Kurds that allocated the three "Presidencies" -- the President of the Republic, the Prime Minister and the CoR Speaker -- according to the results of the (2005) National Election while providing deputy slots in each of the Presidencies for the other two ethno-sectarian groups, the blocs and parties within each of these groups determining the candidates for

these latter positions.

¶15. (U) The Council of Representatives passes national laws, monitors the Executive, ratifies treaties, and approves the nominations of specified officials. It elects the President of the Republic, who, in turn, selects the Prime Minister from the majority coalition in the Council of Representatives.

Political Determinants of Legislation: Power-Sharing,
BlocS, Parties

¶16. (U) The Shi'a Islamist blocs, which include Da'wa, Islamic Supreme Council of Iraq, Fadhila and Sadrists, currently control the greatest number of seats (128), followed by the Kurdish bloc, which includes the PUK and KDP (58 seats), followed by the Kurdish bloc, which includes the PUK and KDP (58 seats), and the Sunni blocs, which include Tawafuq and a newly formed Sunni group (25 - 40 seats depending on how they are counted). While it would seem that the Shi'a blocs, with their 41% of the seats, should dominate CoR legislation, the reality is something else. The practical necessity for political consensus derives from the current power-sharing agreement and the requirement that all laws must be approved by the current three-man Presidency Council composed of a Kurd, a Sunni Arab and a Shi'a, any one of which can veto the law. For instance, while the pro-Maliki Shi'a blocs and the Kurdish parties had the votes to ratify it, Sunni Arab Vice-President Tariq Hashimi threatened to veto the SOFA ratification bill last November. This threat led to the passage of CoR reform resolutions demanded by the Sunni Arab leadership in exchange for their support for the SOFA.

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Earlier in the Fall session, President Jalal Talabani's unhappiness with the Provincial Elections Law resulted in a Presidential veto and an amended law that achieved a broader political consensus. Senior CoR figures, including acting CoR Speaker Attiya and Shi'a Islamist bloc leader Jalal ad-Saghir, have told us that this parliament still has to pass legislation on the basis of consensus among the Shi'a, Kurdish and Sunni Arab political blocs.

¶17. (U) Moreover, the competition and ideological differences between the parties and groupings that comprise the Sunni Arab and Shi'a blocs often weaken bloc solidarity on certain issues. In the Sunni Arab camp, the Tawafuq coalition, which has represented the Sunni Arabs in the GOI since 2005, are now challenged by a new coalition composed of smaller parties, including one that used to be a part of Tawafuq. In the upcoming legislative term, each coalition can be expected to compete for Sunni Arab votes by taking strong and likely differing positions in the CoR. The same holds true for the two major Shi'a parties) the Prime Minister's Da'wa Party and ISCI) and, to a much lesser degree, the two Kurdish parties, the PUK and the KDP.

¶18. (SBU) Finally, temporary coalitions that cross ethnic and sectarian boundaries can and do form in the CoR on the basis of issue salience. The 2009 Federal Budget bill, passed nine weeks after the scheduled end of the 2008 Fall session, was held up by a Sunni Arab Iraqi Islamic Party (IIP)-ISCI, Kurdish Alliance (KAL) insistence that the election of a new Sunni Arab CoR Speaker take precedence over all other legislation, and by their desire to use the budget to impose some restraints on the Prime Minister's authority.

Practical Determinants of Legislation: Closed Lists,
Expertise, Physical Resources

¶19. (U) The current structure of the CoR and its lack of human and material resources prevent it from becoming a fully functioning entity. First, the CoR's credibility and

accountability to the populace is limited by the closed list system in which seats are awarded to many members whose qualifications are affiliation rather than expertise. As a consequence, MPs' constituents are party bloc leaders rather than residents of the districts they represent, and their primary duties are to appear for key votes and to adhere to bloc discipline. This has led to a situation in which real political power in the CoR is in the hands of the bloc and party leaders. (Media reporting about the special benefits of CoR members, including relatively high salaries, diplomatic passports and even special access to land also diminish the standing of the CoR in the Iraqi public's eyes.)

¶10. (U) Consistent with the notion of bloc power, individual CoR members employ no professional staff other than bodyguards with their individual CoR allotments, although even if they did, there would be no place for them to sit, since individual CoR members do not have office space in the temporary CoR building. CoR members meet either in the suites to which their blocs are entitled or in CoR committee offices. Unaffiliated CoR members hang out in the CoR cafeteria. Yet the CoR's professional staff, upon which individual CoR members are forced to rely to research and to generate legislative proposals, lack the expertise to proficiently examine, write and amend legislation. As a result, laws proposed by CoR members and CoR committees are so poorly drafted and flawed that they cannot accomplish what is intended. This means that after a law receives a first reading in the CoR, it is often rewritten by technical staff in the Ministries to ensure that it meets minimal standards. As a result, many if not most of the bills legislated by the CoR were either drafted by the government or were CoR proposals that were substantially modified by the relevant Ministry, which has both the human and material resources to produce draft laws. Much legislation is currently rubber-stamped GOI legislation.

¶11. (U) The CoR also suffers from a deficiency of resources: photocopying machines break down regularly -- a reason often cited for the inability of the CoR staff to provide draft laws in a timely manner. An electronic voting system donated to the CoR has never been installed because the equipment came without technical assistance, training or maintenance.

Upcoming Legislation, Legislative Challenges

¶12. (U) A key legislative challenge for the CoR in the

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current year will likely be the passage of a new National Elections Law, probably modeled on the Provincial Elections law passed last Fall. While national elections could be held under the old election law, that would involve using the closed list candidate system that is considered by many Iraqis to have had a negative impact on public confidence in elected politicians. There will also be great interest in the passage of a &political parties⁸ law to more clearly define the structure and funding of political parties and blocs. The rest of the fore-shortened Spring session will be devoted to cleaning up Saddam-era laws and the introduction of non-controversial legislation and, possibly, laws to formalize extra-constitutional entities such as Tribal Support Councils and National Security Office staff. Although it is the subject of much discussion, it is unlikely that a hydrocarbons bill will be introduced -- let alone passed -- due to fundamental differences between key stakeholders. Additionally, the CoR may consider legislation to carry out the CoR-mandated referendum on the SOFA agreement by July 31. But it will likely be only a debate and an opportunity for election year posturing as few members of parliament are enthusiastic supporters of such a referendum. Less clear is the future of the reform resolution that was passed in November 2008 in exchange for

Sunni support for the SOFA. While Prime Minister Maliki and his supporters are noticeably unenthusiastic about this resolution, IIP and ISCI leaders have told us they want Parliament to address the resolution.

¶13. (U) For all its problems, the CoR has shown in recent weeks that it has the potential to develop into a political institution capable of challenging Executive power. It successfully held up the 2009 Federal Budget bill and used constitutionally mandated authority to alter the terms of the bill to remove funding from several controversial entities under the Prime Minister's direct control. In doing so, the CoR () although the process was driven by one bloc leader (the IIP's Ayad Samarraie) () served notice that it could exercise its oversight responsibilities and may begin to hold the Maliki government responsible for its actions.

¶14. (U) We have multiple avenues of USG-funded assistance to the CoR now. USAID has an institutional capacity building project that focuses on establishing an information resource center and also aims to build the CoR's legislative oversight capabilities. The National Democratic Institute is working directly with several CoR committees, including Finance and Education, on how to build ties with the ministries they are to oversee and how to assess Iraqi government programs. In addition, through the Embassy's Constitutional and Legal Assistance program we provide training on legislation drafting and tracking of legislation through committees and into the Executive Branch here.

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